

recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 25, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to complete the construction, furnishing and equipment of the administration and library building, and for the payment of the cost thereof to issue its negotiable notes or bonds payable solely from revenues from grazing and other surface leases of University lands, and to pledge such revenues to such purpose; to authorize the Board of Regents to enter into such agreements or contracts with respect thereto as it may deem proper; to provide for the payment of the cost of furnishing and equipping said building; to provide for the handling, depositing, and disposition of the revenues pledged hereunder; to validate contracts heretofore entered into in furtherance of the purpose of this Act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 31, A bill to be entitled "An Act amending Chapter 90, Acts of the First Called Session of the Forty-third Legislature, 1933, by adding to Section 1 thereof a new subdivision defining the term "Counterfeit Stamp" as used in said Act; and further amending . . . etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 39, A bill to be entitled "An Act making an emergency appropriation of money for the Penitentiary System, located at Huntsville, Texas; providing the purposes thereof, the means and manner of expenditure."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

FOURTEENTH DAY.

Senate Chamber,

Austin, Texas,

February 16, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

Senator Beck sent up the following resolution:

S. C. R. No. 19,

Whereas, On February 7, 1914, the sum of \$5,033.87 then on deposit with the State National Bank of Austin, Texas, was turned into the Treasury of the State of Texas; and

Whereas, Said funds had been deposited with the Adjutant General of the State of Texas by the Government of the United States for the payment of the officers and enlisted men of the five regiments furnished by the Governor of Texas under the first and second calls for troops by the President in 1898, for service from date of rendezvous at their home stations until muster into United States service or rejection from such service at points of mobilization; and

Whereas, Rightful claims are made for payment from such funds from time to time by veterans entitled to such payment.

NOW, THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House of Representatives concurring, That the Adjutant General of the State of Texas be and he is hereby authorized to pay such rightful claims out of the appropriation for contingent expenses made for his department, the total of such expenditures not to exceed in any event the amount of \$5,033.87.

On motion of Senator Beck, the Senate granted unanimous consent to consider the resolution at this time without reference to a committee.

The resolution was adopted.

Senator Poage sent up the following resolution:

S. C. R. No. 20,

Whereas, At the Regular Session, the Forty-third Legislature sought to establish a policy which would make all compensation of State officials and employees known and certain; and

Whereas, In an effort to effect such policy, riders were placed on the several appropriation bills and S. B. No. 135 was enacted providing that the salary of all officials and employees of this State, except judges and those constitutional officers whose salaries are specifically fixed by the Constitution, shall be in such sums or amounts as may be provided for by the Legislature in general appropriation bills; and

Whereas, Said S. B. No. 135 specifically repealed all laws and parts of laws fixing salaries for all such

officials and employees in so far as they conflicted with such Acts; and

Whereas, It was the purpose and intention of the Legislature to thereby determine the compensation that should be paid to all such officials and employees of the State, and to make such compensation definite and fixed; and

Whereas, In the judiciary appropriation bill it was expressly provided, first that "Appropriations made in this bill, are intended to be, and shall be construed as being the maximum sums respectively, which may be used any way for the purposes or objects named in the bill," and second, "All fees paid to clerks or officers or other employees of appellate courts named herein either for official or unofficial copies of opinions or for other services or documents, shall be deposited monthly in the State Treasury and none of such fees shall be retained by said officers and clerks"; and

Whereas, It seems that the legislative intent to know and limit the compensation of such clerks and employees was made reasonably clear; and

Whereas, The Legislature has supposed that the judges of the appellate courts of this State would assist rather than hinder in an effort to control the expenses of State government; and

Whereas, It has come to our attention that some, although not all of the appellate courts have instructed their clerks and employees to ignore said legislative purpose and intent, and to retain certain fees as additional compensation over and above the compensation provided by the Legislature in the appropriation bills; and

Whereas, Such policy on the part of the courts renders ineffective the effort of the Legislature to determine and control the expenditure of public money and is, in effect, an appropriation by the courts of public moneys for the purpose of supplementing salaries heretofore fixed by the Legislature; and

Whereas, Such practice completely disrupts and destroys the entire legislative policy; and

Whereas, It is within the power of the courts to cooperate with the Legislature; and

Whereas, The importance of such cooperation has evidently been over-

looked by the judges of certain of the appellate courts.

NOW, THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House of Representatives concurring, That the judges of the several appellate courts of this State be, and they are respectfully requested to cooperate with the Legislature to the fullest extent and to promulgate such rules and regulations as will give effect to the clear legislative intent of the acts hereinbefore referred to;

AND BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the chief justice of each of the appellate courts of this State.

Read first time and referred to the Committee on Finance.

By Senator Woodul:

S. B. No. 26, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by cooperation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors and processor of milk and milk products; defining certain terms used in the bill; providing for application to the Commissioner of Agriculture by groups engaged in the milk industry, in counties having a population in excess of 350,000 according to the last preceding Federal census, for the setting up of a code, codes or agreements; authorizing local Milk Industry Boards in said counties after hearing to set up and promulgate a code, codes of agreements for fair competition for the milk industry; authorizing said Board to impose such conditions as are necessary to make the codes effective and to establish rules and regulations for their conduct; providing penalties for violation of such codes; providing jurisdiction for district courts affecting the operation of the codes; directing county and district attorneys to bring actions to enforce this Act; providing for the amending, modification or change of codes set up under this Act; providing for the publication by said Board of codes; authorizing the said Board to suspend or revoke certificates of authority; providing a penalty for

violation of the Act; providing a fee for the certificates of authority and making provisions for funds for the administration of this Act; making an appropriation of such funds for the enforcement of the Act; providing that if any section or provision of the Act should be declared unconstitutional such decision shall not affect other provisions or portions of this Act; and declaring an emergency."

Read first time and referred to the Committee on Agriculture.

By Senator Woodul:

S. B. No. 27. A bill to be entitled "An Act empowering the board of education or board of trustees of certain independent school districts by resolution passed by majority vote of the members of such board of education or board of trustees, beginning with 1933 delinquent taxes due to such independent school districts, to require in addition to the payment of any such delinquent taxes, in lieu of the present penalties provided by law the payment of a penalty of two per cent upon the amount of the tax due if paid during the first month of such delinquency, four per cent if paid during the second month of such delinquency, six per cent if paid during the third month of such delinquency, eight per cent if paid during the fourth month of such delinquency, and nine per cent if paid during the fifth month of such delinquency, and ten per cent if paid thereafter, and providing that in addition to the payment of the tax and penalty as provided, interest at the rate of six per cent per annum shall be charged and paid upon the gross amount of the tax and penalty due from the date the tax became delinquent until paid, and providing that until and unless such board of education or board of trustees of any such independent school district shall pass such resolution, the penalties and interest now provided by law on delinquent taxes due to any such independent school district shall be and remain in full force and effect; and further providing that the board of education or board of trustees of any such independent school district after passing such resolution may at any time during any particular year rescind the same by passing a resolution by a majority vote of the

members thereof in which event the same interest and penalties now provided by law on delinquent taxes due to independent school districts shall immediately accrue on all taxes thereafter becoming delinquent; providing that all laws, whether general or special, in conflict with this act are hereby expressly repealed; providing that should any section, clause, sentence, paragraph or part of this act be adjudged to be invalid by any court of final or competent jurisdiction such judgment shall not affect, impair or invalidate the remainder of the act, and declaring an emergency."

Read first time and referred to the Committee on Education.

By Senator Martin:

S. B. No. 28, A bill to be entitled "An Act to amend Article 1650 of the Revised Civil Statutes of Texas, 1925; repealing all laws in conflict herewith; and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Moore:

S. B. No. 29, A bill to be entitled "An Act amending Article 2688, Title 49, Chapter Eleven, of the Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, H. B. No. 904, Chapter 357, General Laws, of the Regular Session of the Forty-second Legislature (same likewise appearing printed as H. B. No. 904, Chapter 212, page 426, Special Laws of the Regular Session of the Forty-second Legislature), and as further amended by Acts, 1932, H. B. No. 51, Chapter 21, pages 47 and 48, of the Third Called Session of the Forty-second Legislature, establishing the office of county superintendent of public instruction and providing that the commissioners' court of every county which has three (3,000) thousand scholastic population or more, as shown by the preceding scholastic census, shall, at the next General Election after 1934, and likewise each four years thereafter, provide for the election of a county superintendent of public instruction to serve for a term of four (4) years; providing educational and other qualifications and prescribing certification of such county superintendents, and providing that the commissioners' court shall provide

such official with an office in the court house and with necessary office furniture and fixtures and equipment; providing that the present term of office of all county superintendents heretofore elected or appointed shall continue until the next General Election after 1934, hereinabove specified, and until their successors have been duly elected according to law and have duly qualified; providing for the appointment by the commissioners' court, in every county which attains three (3,000) thousand scholastic population or more, of a county superintendent of public instruction who shall perform the duties of such office until the election and qualification of his successor; providing that in counties having less than three (3,000) thousand scholastic population, whenever more than twenty-five (25%) per cent of the qualified voters of said county, as shown by the vote for Governor at the preceding General Election, shall petition the commissioners' court therefor, said court shall order an election for said county to determine whether or not the office of county superintendent of public instruction shall be created in said county, and providing that if a majority of the qualified property taxpaying voters voting at said election shall vote for the creation of the office of county superintendent of public instruction in said county, the commissioners' court, at its next regular term after the holding of said election, shall create the office of county superintendent of public instruction and name a county superintendent of public instruction who shall qualify under this chapter and hold such office until the next General Election for such office under this Article; providing that in counties having a scholastic population of between three (3,000) thousand and five (5,000) thousand scholastics, wherein the office of county superintendent of public instruction has not been created and a superintendent elected, then in such counties the question of whether or not such office is established shall be determined by the qualified voters of said county in a special election called therefor by the commissioners' court of said county, upon petition there-

for as herein specified, and declaring an emergency."

Read first time and referred to the Committee on Education.

By Senator Stone:

S. B. No. 30, A bill to be entitled "An Act amending House Bill No. 322, known as Chapter 196 of the General Laws of the Forty-third Legislature at its Regular Session, 1933, fixing the tuition to be collected from students registered in schools of collegiate rank supported in whole or in part by appropriation of public funds from the State Treasury; providing for tuition, local funds and fees to be retained and expended by such institutions and accounted for annually as provided in the General Appropriation Bill; providing a different schedule of fees from students of the Negro race registered in schools of collegiate rank which are supported in whole or in part by appropriation of public funds from the State Treasury; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Holbrook:

S. B. No. 31, A bill to be entitled "An Act to authorize and empower any water control and improvement district in this State, to borrow money and to receive grants or other aid from the Government of the United States or any lending agency thereof; providing for the levy of taxes on all taxable property within the limits of any such district sufficient to pay the principal of and interest on bonds of such district issued or sold to said Government, or any lending agency thereof, or all bonds of any such district pledged as collateral to secure payment of any loan made by said Government or agency thereof to any such district; providing that all or part of the maintenance fund of any such district may be irrevocably pledged as additional security for the payment of the principal of and interest on all such bonds issued or sold to such Government or agency thereof, or pledged as collateral to secure payment of any loan between said district and the Government, or any such agency, in addition to the authorized bond tax; providing that the

bond fund may repay or refund to the maintenance fund all moneys paid by the maintenance fund into such bond fund to prevent or cure defaults in payment of principal and/or interest on such bonds; providing for the subordination of existing bonded indebtedness in conformity with requirements of contracts between any such district and said Government or agency thereof, and providing methods of procedure in reference thereto, including the issuance of refunding bonds; providing for payment of any existing bonded indebtedness from uncollected taxes theretofore levied in event the holders of such indebtedness refuse to enter into subordination agreements; providing, that except as herein otherwise provided, the general laws relative to water control and improvement district bonds shall apply to issuance, approval, registration, sale and payment of all bonds that may be issued pursuant to this Act, and also providing for depository agreements in respect of the deposit and safekeeping of the proceeds of any such loan or the proceeds of taxes, assessments and other revenues of any such district; providing that if any part of this Act is held unconstitutional or invalid, such invalidity shall not affect the validity of the remaining portions of this Act; enacting provisions incident to the subject and purpose of this Act; and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Parr:

S. B. No. 32, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, naming the Counties composing the same, and providing for the election of a member of the Congress of the United States from each district, transferring Duval County from the Fourteenth District to the Fifteenth District, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to the Committee on Congressional Districts.

By Senator Parr:

S. B. No. 33, A bill to be entitled "An Act amending Sections 1 and 77 of Chapter 27 of the General and Special laws passed by the

Forty-second Legislature at its Third Called Session, approved September 21st, 1932:

"Providing that navigation districts within this State, organized under the provisions of Section 59 of Article 16 of the Constitution, and under the provisions of Chapter 5 of the General Laws passed by the Thirty-ninth Legislature of the State of Texas at its regular session and Acts amendatory thereof, or created, organized, existing, doing business or acting under any local and special law of the Legislature of the State of Texas and purporting to have been enacted under the provisions of said Section 59 of Article 16 which have voted bonds but not issued or otherwise finally disposed of same, shall be deemed as coming originally within the scope of said Act and that no proceedings provided in Section 93 of said set shall be required as a prerequisite to the exercise of the rights, powers, privileges and benefits of such Act; granting, such districts power and authority to enter into valid and binding contracts to apply such net revenues over and above their maintenance and operation cost as may be derived from all sources other than by taxation, to the payment of principal and interest of their bonds issued in accordance with the laws of the State of Texas; authorizing such districts to make contracts with the United States Government or any department, bureau or agency thereof for loans and grants under the terms and conditions and regulations and requirements of such departments, bureaus and agencies under the provisions of the 'National Industrial Recovery Act' and other Federal laws now in force or which may be hereafter enacted; providing for the issuance of writs of mandamus and injunction in certain cases for the enforcement of such contracts; and validating all contracts heretofore entered into by such navigation districts with the Federal Emergency Administrator of Public Works or other department, bureau or agency of the Government of the United States for the purpose of borrowing money from or selling their bonds to the United States Government or any department, bureau or agency thereof, and declaring an emergency."

Read first time and referred to the Committee on Mining, Irrigation and Drainage.

By Senator Hopkins by request:

S. B. No. 34, A bill to be entitled "An Act amending Article 3369, Revised Civil Statutes of Texas, 1925, correcting the same by inserting the words 'testamentary or' after the word 'letters' in the last sentence thereof, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Hopkins by request:

S. B. No. 35, A bill to be entitled "An Act amending Article 4195-A, Acts of the Fortieth Legislature, Regular Session, Chapter 31, page 43, correcting the same by inserting the word 'ward' in place of the word 'minor' and by inserting the number '4198' in place of the number '4197', and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Hopkins by request:

S. B. No. 36, A bill to be entitled "An Act amending Article 1043, Revised Civil Statutes of Texas, 1925, so as to permit municipal corporations whose fiscal year runs otherwise than the calendar year to require assessment inventory to cover property possessed or controlled on the first day of the fiscal year, such inventory to be handed to the city assessor and collector within the first three months of the fiscal year; and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Parr:

S. B. No. 37, A bill to be entitled "An Act to permit any county one or more of the boundaries of which is coincident with any part of the international boundary between the United States and Mexico, or any county contiguous to any county of such described class, by resolution of the County Commissioners' Court of any such county, to agree: (1) to indemnify and save harmless the United States of America, its officers, agents and employees, on account of damage or claims to damage by whomsoever asserted, arising out of or connected with entry upon, occupancy, construction upon, or exercise

of rights in and to lands or rights in land situated in any one or more of said class of counties by the United States, its officers, agents and employees, in connection with construction, reconstruction, extension, alteration, improvement, maintenance and operation of flood control works; (2) to procure such releases and waivers of claim and to make such showing as to title being vested in any such county to lands and rights in lands situated in any county of said class needed for such flood control works as may be required by the United States; (3) to acquire and convey to the United States upon request therefor, the title to any such lands or rights therein, situated in any county of said class, necessary for such flood control works; and authorizing any such county and the officers thereof to do any and all things necessary to comply with and perform any such agreement so made with and to make conveyances to the United States; and validating any such agreement heretofore made by any such county; enacting provisions incident and necessary to the subject and purpose of this Act; repealing all laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senators Neal, Beck, Martin, Murphy, Pace, DeBerry, Duggan, Hornsby, Purl, Woodul and Sanderford:

S. B. No. 38, A bill to be entitled "An Act to regulate the conducting in public competition for prizes, awards and admission fees, any personal, physical or mental endurance contests; regulating the manner in which contestants may participate in such contests; prescribing the penalties for violation of this Act; providing for certain exceptions to this Act; declaring that any house, structure, building, place or open air space that is being used for purposes in violation of the provisions of this Act is declared to be a nuisance; providing that any person who knowingly maintains or assists in maintaining of such a place is guilty of maintaining a nuisance, authorizing the Attorney General or the district attorney or county attorney under certain circumstances to enjoin and

abate such nuisance; prescribing the character of judgment that shall be entered against the continuance of such nuisance; providing certain conditions with reference to bonds to be furnished in such cases; repealing Chapter 204, page 337 of the Acts of the Forty-second Legislature, 1931; prescribing penalties for violations, and declaring an emergency."

Read first time and referred to the Committee on Public Health.

S. C. R. No. 6.

Senator Oneal called from the table S. C. R. No. 6, relative to the Centennial Commission.

Senator Oneal asked unanimous consent that the name of the Senator from Galveston be stricken from the resolution in the Permanent Journal.

There being no objection, it was so ordered.

Senator Holbrook moved to lay the resolution on the table subject to call.

The motion prevailed by the following vote:

Yeas—14.

Beck.	Patton.
Holbrook.	Parr.
Hopkins.	Rawlings.
Martin.	Russek.
Murphy.	Sanderford.
Neal.	Woodruff.
Pace.	Woodul.

Nays—13.

Blackert.	Poage.
Collie.	Purl.
DeBerry.	Redditt.
Duggan.	Regan.
Hornsby.	Small.
Moore.	Stone.
Oneal.	

Absent.

Cousins.	Woodward.
Greer.	

Absent—Excused.

Fellbaum.

Senator Rawlings moved to reconsider the vote by which the resolution was laid on the table subject to call.

The motion was lost.

Bills and Resolutions Referred.

H. B. No. 59, referred to the Committee on State Highways and Motor Traffic.

H. B. No. 35, referred to the Committee on Finance.

H. B. No. 86, referred to the Committee on Judicial Districts.

H. B. No. 91, referred to the Committee on Game, Fish and Oysters.

H. B. No. 78, referred to the Committee on Education.

H. B. No. 80, referred to the Committee on Game, Fish and Oysters.

H. B. No. 66, referred to the Committee on Game, Fish and Oysters.

H. B. No. 73, referred to the Committee on Counties and County Boundaries.

H. B. No. 74, referred to the Committee on Game, Fish and Oysters.

H. B. No. 9, referred to the Committee on Civil Jurisprudence.

H. B. No. 75, referred to the Committee on Game, Fish and Oysters.

H. C. R. No. 25, referred to the Committee on State Highways and Motor Traffic.

H. C. R. No. 27, referred to the Committee on State Affairs.

Advance Printing.

On motion of Senator Hopkins, the Senate granted unanimous consent to have H. B. No. 13, together with committee amendments adopted thus far, printed in advance, and same to be in lieu of regular printing.

S. C. R. No. 17.

On motion of Senator Patton, the Senate granted unanimous consent to place S. C. R. No. 17 on the table subject to call.

S. C. R. No. 6.

Senator Poage called from the table S. C. R. No. 6, relating to the Centennial Commission.

The resolution failed to pass by the following vote:

Yeas—12.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Redditt.
Hornsby.	Stone.
Moore.	Woodruff.

Nays—15.

Beck.	Hopkins.
Holbrook.	Martin.

Murphy.
Neal.
Pace.
Parr.
Patton.
Rawlings.

Regan.
Russek.
Sanderford.
Small.
Woodul.

Absent.

Cousins.
Greer.

Woodward.

Absent—Excused.

Fellbaum.

House Bill No. 60.

Senator Purl called up the following bill:

H. B. No. 60, A bill to be entitled "An Act validating all elections, election orders, election proceedings, and city ordinances annexing adjacent territory to, or extending and prescribing the corporate limits of, any incorporated city, having a population of not less than three thousand (3,000) and not more than six thousand (6,000) inhabitants, as shown by the last preceding Federal census, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 60 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Present—Not Voting.

Collie.

Absent—Excused.

Fellbaum.

House Bill No. 59.

Senator Rawlings called up the following bill:

H. B. No. 59, A bill to be entitled "An Act providing that cities with a population of more than one hundred and sixty thousand (160,000) inhabitants, according to the last preceding Federal census, may mortgage and encumber their air ports and the income thereof, or either of them for the purpose of acquiring or improving the same; providing for manner of issuance of notes or warrants for such purposes, and providing that this law shall take precedence over conflicting charter provisions; repealing all laws in conflict herewith; providing a saving clause, and declaring an emergency."

On motion of Senator Rawlings, the constitutional rule was suspended, and the bill was permitted to be taken up out of its regular order by the following vote:

Yeas—20.

Beck.	Martin.
Blackert.	Moore.
Collie.	Murphy.
Cousins.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Greer.	Parr.
Holbrook.	Patton.
Hopkins.	Purl.
Hornsby.	Regan.

Poage.	Stone.
Rawlings.	Small.
Redditt.	Woodruff.
Russek.	Woodul.
Sanderford.	Woodward.

Absent—Excused.

Fellbaum.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Rawlings, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 59 was put on its third reading and final passage by the following vote:

Yeas—30.

Blackert.	Pace.
Beck.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Russek.
Murphy.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed
by the following vote:

Yeas—28.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Nays—1.

DeBerry.

Present—Not Voting.

Collie.

Absent—Excused.

Fellbaum.

Subject to Call.

Senator Martin asked unanimous consent to place H. B. No. 31 on the table subject to call.

There being no objection, it was so ordered.

Recess.

On motion of Senator Russek, the Senate, at 12:25 o'clock p. m., recessed until 2:30 o'clock p. m. today.

Afternoon Session.

The Senate was called to order at 2:30 o'clock p. m., pursuant to recess, by Lieutenant Governor Edgar E. Witt.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 16, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 35, A bill to be entitled "An Act making an appropriation of ten thousand dollars (\$10,000), to be used by the State Board of Water Engineers for assembling the necessary data and for necessary expenses incurred in presenting application of Brazos River Reclamation District before the Public Works Administration and the Department of Interior and the President of the United States, and for paying the existing indebtedness of said Reclamation District; and declaring an emergency."

H. B. No. 59, A bill to be entitled "An Act providing that cities with a population of more than one hundred and sixty thousand (160,000) inhabitants, according to the last preceding Federal Census, may mortgage and encumber their air ports and the income thereof, or either of them for the purpose of acquiring

or improving the same; providing for manner of issuance of notes or warrants for such purposes, and providing that this law shall take precedence over conflicting charter provisions; repealing all laws in conflict herewith; providing a saving clause, and declaring an emergency."

H. B. No. 66, A bill to be entitled "An Act making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill any wild deer, buck, doe, fawn, or wild turkey in the Counties of Hemphill, Roberts, Hutchinson, Potter, Randall, Armstrong and Briscoe, and prescribing a penalty, and declaring an emergency."

H. B. No. 73, A bill to be entitled "An Act amending Chapter 49, Acts of the Forty-third Legislature, First Called Session, page 145 (Art. 3886-b), providing for the maximum compensation of assistant county attorneys and other employees of the county attorney in all counties in the State having a population of 100,000 inhabitants, and not more than 150,000 inhabitants, and containing two cities of 50,000 population or more each, according to the last preceding Federal Census; etc., and declaring an emergency."

H. B. No. 74, A bill to be entitled "An Act to prohibit the taking, killing, or possession of wild fox for the purpose of barter or sale in certain counties, and declaring an emergency."

H. B. No. 75, A bill to be entitled "An Act prohibiting the taking of minnows for the purpose of sale from certain waters of Bell County; prohibiting the transportation by any one person at one time of more than one hundred (100) minnows beyond the borders of Bell County; providing a penalty, and declaring an emergency."

H. B. No. 78, A bill to be entitled "An Act to validate the organization and creation of all school districts including common school districts, independent school districts, etc., validating all tax levies made in behalf of said districts; making certain exceptions, and declaring an emergency."

H. B. No. 80, A bill to be entitled "An Act to prohibit the taking, killing, or possession of wild fox for the purpose of barter or sale, and prohibiting the use of steel traps for

taking fur-bearing animals in Coryell County and declaring an emergency."

H. B. No. 86, A bill to be entitled "An Act to amend Senate Bill No. 111, passed at the Third Called Session of the Thirty-eighth Legislature, as amended by paragraphs 16 and 59 of Article 199, of the Revised Civil Statutes of 1925, which article provides for judicial district of the State; and which paragraph 15 defines the Fifteenth Judicial District, and determines the date and length of term of such district court in Grayson County; and which paragraph 59 defines the Fifty-ninth Judicial District, and determines the date and length of term of such district court in each of the counties of said district, namely, Grayson and Collin Counties; etc."

H. B. No. 91, A bill to be entitled "An Act designating fur-bearing animals; declaring them the property of the State; declaring a five (5) year closed season on wild fox in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

H. B. No. 9, A bill to be entitled "An Act relating to the granting of relief in certain cases during the emergency declared to exist, from inequitable sales under deeds of trust and inequitable foreclosures of vendor's lien and execution sales of real estate, and providing for the postponement of certain sales, and providing for the temporary creation of a period of redemption of real estate following the forced sale thereof, and providing for the jurisdiction and procedure of such relief and for the right to possession during such redemption period, and limiting the right to maintain actions for deficiency judgments, and providing further for amending House Bill No. 231, Chapter 102, page 225, General Laws, passed at the Regular Session of the Forty-third Legislature, State of Texas; and providing means and methods whereby suits and causes of actions involving judgments for the recovery of real property or the foreclosure of liens against real property, and which are pending on the effective date hereof or which may be filed prior to January 1, 1936, or as otherwise provided herein, may be postponed or continued, and orders of sales and

executions may be stayed by complying with the conditions as provided in this Act; authorizing temporary injunctions to stay sales under execution, orders of sales or deeds of trust; providing for extensions under certain conditions; permitting appeals without requiring supersedeas bonds, and setting forth the conditions to be complied with, and the duties of the judge and of the court in respect thereto; limiting the time this Act shall be effective, and suspending laws in conflict herewith, but not repealing any laws; fixing a State policy, containing a saving clause, extending the time within which relief may be granted under the terms of said House Bill No. 231, and fixing venue for suits, the object of which suits are to foreclose liens upon real estate, and declaring an emergency."

S. B. No. 11, A bill to be entitled "An Act to amend Section 5 of Chapter 130 of the General Laws of the Regular Session of the Forty-third Legislature so as to provide that no contract, bond or note, or other evidence of indebtedness authorized to be issued under Chapter 130 of the General Laws of the Regular Session of the Forty-third Legislature shall be issued or executed after May 13, 1935; and declaring an emergency."

H. C. R. No. 25, Granting permission to Noel P. Smith, to sue the State for personal injuries.

H. C. R. No. 27, Designating March 2, 1936, as Texas Tree Centennial Day.

S. C. R. No. 18, Requesting the Texas Delegation in Congress to support an amendment allowing churches and privately endowed colleges and universities to receive grants and loans under the National Recovery Act.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bill and Resolution Signed.

The Chair gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bill and resolution:

S. B. No. 11.

S. C. R. No. 18.

The Following Bills on First Reading.

The Chair laid before the Senate the following bill:

By Senator Woodul:

S. B. No. 39, A bill to be entitled "An Act to provide a more efficient system for the appointment of deputy district clerks serving in counties of more than 355,000 population, in which counties there are more than one district court, including criminal district courts, by providing that the clerk of the district court may appoint a deputy for each district court or criminal district court in his county when directed so to do by the Judge of any such court; fixing the salaries of such deputies, and providing a method for their payment; and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Woodul:

S. B. No. 40, A bill to be entitled "An Act to amend Article 6869 of the Revised Civil Statutes as amended by the Acts of the Forty-first Legislature, dealing with the appointment, authority, duties and qualifications of deputy sheriffs, limiting the number of such deputies in any county, and providing for the payment of their compensation, by adding a clause thereto excepting counties of over 355,000 population from the provisions of said Article 6869, as amended as aforesaid, in so far as the same relates to the number of deputies to be appointed by the Sheriff in said counties; and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Duggan:

S. B. No. 41, A bill to be entitled, "An Act to validate all ad valorem tax levies in all Counties in Texas having not less than 1950 and not more than 1970 population according to the last preceding Federal Census, heretofore made by the Independent School Districts in the State of Texas, which levies are unenforceable because of the failure of the governing bodies in such respective Independent School Districts to make such levies by order; and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Duggan:

S. B. No. 42, A bill to be entitled "An Act to amend Section 14, Chapter 186, S. B. No. 74, passed at the Regular Session, Thirty-ninth Legislature, as amended by Chapter 10, S. B. No. 24, passed at the Third Called Session, Forty-first Legislature, as amended by Chapter 79, S. B. No. 82, passed at the Fifth Called Session, Forty-first Legislature, as amended by Chapter 207, S. B. No. 531, passed at the Regular Session, Forty-third Legislature, so as to correct the reference to Article 6674-n, in Section 1, Chapter 207, Acts of Regular Session, Forty-third Legislature, and making same refer to Section 14, Chapter 186, S. B. No. 74, passed at the Regular Session, Thirty-ninth Legislature; to confer authority on the State Highway Commission and/or county commissioners' court to purchase or condemn land for any new or wider right-of-way or for materials necessary or convenient to any highway in connection with the locating, relocating, maintenance, or construction of such highway and/or to acquire by purchase or by condemnation the use or acquisition of land not more than one hundred feet in width for stream bed diversion in connection with the locating, relocating, or construction of a designated state highway; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Read first time and referred to the Committee on State Highways and Motor Traffic.

By Senator Parr:

S. B. No. 43, A bill to be entitled "An Act to authorize certain cities in this State to issue bonds, notes or warrants, payable from revenues other than taxation, for construction, maintenance and operation of a toll bridge or toll bridges over and across any stream, inlet or arm of the Gulf of Mexico, or entrance channel to a port in any such city; the construction, maintenance and operation of sanitary and/or storm sewer lines; construction of water mains or lines from sources of water supply; acquisition, reclamation, reconstruction and filling in of any submerged lands along the water front of said city and construction of sidewalks, streets and gas lines within territory so acquired or re-

claimed; construction of seawalls, breakwaters and other shore protection, maintenance, operation and dredging out of any channel in connection with such port; providing certain improvements may be constructed within or without limits of any such city; providing that no such bonds, notes or warrants shall ever evidence any debt or obligation of such city, but shall be solely a charge upon revenues and properties pledged to secure their payment; providing for the payment of such bonds, notes or warrants out of income and revenues of either one or all of the improvement projects authorized thereby; requiring that the issuance of all such bonds, notes or warrants shall be authorized by a vote of the qualified property taxpaying voters of any such city, voting at an election to be held for that purpose; prescribing time of maturity and rate of interest on such bonds, notes or warrants; providing that the General Laws relating to city bonds, not in conflict with this Act, shall apply to the issuance, approval, certification, registration and sale of such bonds, notes or warrants; providing that each bond, note or warrant issued under this Act shall stipulate that the holder thereof shall never have the right to demand payment out of any funds raised or to be raised by taxation; requiring that all such bonds, notes or warrants be approved by the Attorney General and registered by the State Comptroller; authorizing any such city to borrow money from the United States Government, Federal Emergency Administration of Public Works, or other agency of said government; authorizing the governing body of any such city to remove or demolish any existing bridge or other structure owned and operated by said city if deemed necessary in carrying out the works of improvement; conferring on any such city the right of eminent domain; authorizing the collection of tolls from existing bridge or bridges in event no toll bridge or bridges are constructed and providing for the pledge of such tolls to payment of indebtedness evidenced by bonds, notes or warrants authorized by this Act; requiring an election to authorize the assessment and collection of tolls from existing bridges and their application to the

payment of such bonds, notes or warrants; providing for the execution of an indenture or mortgage making effective the mortgage lien on all properties that may be pledged or mortgaged to secure payment of such bonds, notes or warrants, and providing for the grant of a franchise to the purchaser under sale or foreclosure under such indenture or mortgage, with option to repurchase by such city; providing that reasonable costs of administration and operation of improvement projects and maintenance thereof shall be first lien and charge against income and revenues; providing for the setting aside of the gross income and revenues of all such project or projects for operation and maintenance purposes and payment of bonds, notes or warrants, and providing that no part of such income and revenues shall be devoted to any other purpose and prescribing penalty therefor; providing that no such bridge shall be constructed, maintained or operated over any entrance channel to any such port operated by a navigation district without permit from commissioners of such district and authorizing commissioners of such navigation district to prescribe reasonable rules and regulations for operation of such bridge in aid of navigation; providing that this Act shall not repeal any existing laws; providing that if any section or part of this Act is held unconstitutional, such decision shall not affect the validity of remaining portion of Act; enacting other provisions incident to the subject and purpose of this Act; and declaring an emergency."

Read first time and referred to the Committee on Mining, Irrigation and Drainage.

S. C. R. No. 21.

Senator Moore sent up the following resolution:

Whereas, The Federal Government has sponsored the C. W. A. for relief of the unemployed of the nation; and

Whereas, The C. W. A. has brought relief to many hundreds of thousands of worthy citizens throughout the State of Texas and the Nation, affording much beneficial labor; and

Whereas, The purpose of the C. W. A. was to supply labor and funds for unemployed until such time as agriculture, private effort and private in-

dustry could and would absorb and furnish employment to the unemployed of the Nation; and

Whereas, The purpose that inspired the C. W. A. is publicly recognized as wholesome and worthy of the endorsement of our citizens; and

Whereas, Conditions throughout the State and Nation are not yet normal; private industry and private pursuits have not reached the point where the unemployed can be placed back into useful private pursuits and probably will not reach this point for many months; and

Whereas, The proposal has been made that C. W. A. activities be discontinued about May 1, 1934, thereby throwing out of employment thousands of worthy and deserving citizens; and

Whereas, By completely discontinuing the C. W. A., the major burden of support for the unemployed will be thrown upon the State:

NOW, THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House of Representatives concurring, That we urge upon President Roosevelt and the Congress of the United States not to completely discontinue the C. W. A. at the date suggested, but on the contrary, said C. W. A. be continued on a proper but conservative scale until such time that agriculture, private pursuit and private industry can and will absorb the army of unemployed.

BE IT FURTHER RESOLVED, That we urge conservative expenditure of all C. W. A. funds at such period during the year that labor cannot be absorbed in agricultural and other similar private pursuits;

BE IT FURTHER RESOLVED, That C. W. A. labor be confined to and distributed among those citizens who have no actual means of support and that such labor be confined to beneficial pursuits and as nearly permanent development and improvement as is possible.

Respectfully submitted,

MOORE,
DUGGAN,
PARR,
PURL,
SMALL.

Read first time and referred to the Committee on State Affairs.

Senate Bill No. 14.

Senator Woodul asked unanimous

consent to take up Senate Bill No. 14 out of its regular order.

There being no objection the following bill was placed before the Senate on second reading:

By Senator Woodul:

S. B. No. 14, A bill to be entitled "An Act granting to the Houston Yacht Club, its successors and assigns, all right, title and interest of the State of Texas to certain land under the waters of Galveston Bay, described as follows: Beginning at the Northeast corner of that certain tract of land in Harris County, Texas, lying on the waters of Galveston Bay, described in deed from Shoreacres, Inc. to San Jacinto Bay Corporation, dated March 23, 1927, recorded in Volume 697, page 460, Deed Records of Harris County, Texas; thence in a Southeasterly direction along the waters of Galveston Bay and following the Southeasterly line of said tract conveyed to San Jacinto Bay Corporation, a distance of approximately seven hundred sixty feet, to the Southeast corner of said tract; thence at right angles to said Southeast line of said tract; in a Northeasterly direction a distance of two thousand feet; thence at right angles in a Northwesterly direction a sufficient distance so as to intersect at right angles a line drawn from the beginning point and at right angles to the Southeasterly line of said tract conveyed to San Jacinto Bay Corporation; thence at right angles in a Southwesterly direction along said line a sufficient distance as to intersect at right angles the Southeasterly line of said tract conveyed to San Jacinto Bay Corporation, at the place of beginning, for harbor purposes and for the purpose of constructing, maintaining, using and operating wharves, docks, slips, piers, breakwaters and other improvements and harbor facilities, for a term of fifty years and so long thereafter as the same may be used and maintained as a harbor, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 14 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Nays—2.

Oneal.	Poage.
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Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

Nays—6.

Collie.	Oneal.
DeBerry.	Poage.
Murphy.	Purl.

Absent—Excused.

Fellbaum.

Senate Bill No. 30.

Senator Stone moved to take up Senate Bill No. 30 out of its regular order.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Nays—2.

Collie.	DeBerry.
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Absent—Excused.

Fellbaum.

The following bill was placed before the Senate on second reading:

S. B. No. 30, A bill to be entitled "An Act to authorize and empower any water control and improvement district in this State, to borrow money and to receive grants or other aid from the Government of the United States or any lending agency thereof; providing for the levy of taxes on all taxable property within the limits of any such district sufficient to pay the principal of and interest of bonds of such district issued or sold to said Government, or any lending agency thereof, or all bonds of any such district pledged as collateral to secure payment of any loan made by said Government or agency thereof to any such district; providing that all or part of the maintenance fund of any such district may be irrevocably pledged as additional security for the payment of the principal of and interest on all such bonds issued or sold to such Government or agency thereof, or pledged as collateral to secure payment of any loan between said district and the Government, or any such agency, in addition to the authorized bond tax; providing that the bond fund may repay or refund to the maintenance fund all moneys paid by the maintenance fund into such bond fund to prevent or cure defaults in payment of principal and/or interest on such bonds; providing for the subordination of existing bonded indebtedness in conformity with requirements of contracts

between any such district and said Government or agency thereof, and providing methods of procedure in reference thereto, including the issuance of refunding bonds; providing for payment of any existing bonded indebtedness from uncollected taxes theretofore levied in event the holders of such indebtedness refuse to enter into subordination agreements; providing, that except as herein otherwise provided, the general laws relative to water control and improvement district bonds shall apply to issuance, approval, registration, sale and payment of all bonds that may be issued pursuant to this act, and also providing for depository agreements in respect of the deposit and safekeeping of the proceeds of any such loan or the proceeds of taxes, assessments and other revenues of any such district; providing that if any part of this Act is held unconstitutional or invalid, such invalidity shall not affect the validity of the remaining portions of this Act; enacting provisions incident to the subject and purpose of this Act; and declaring an emergency."

Senator Woodruff moved to lay the bill on the table subject to call.

The motion was lost by the following vote:

Yeas—5.

Collie.	Pace.
DeBerry.	Woodruff.
Murphy.	

Nays—15.

Duggan.	Poage.
Holbrook.	Purl.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Neal.	Stone.
Oneal.	Woodul.
Parr.	

Present—Not Voting.

Redditt.	Small.
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Absent.

Beck.	Patton.
Blackert.	Rawlings.
Greer.	Woodward.
Hopkins.	

Absent—Excused.

Cousins.	Fellbaum.
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Point of Order.

Senator Woodruff raised the point of order that there was no quorum present.

The point of order was overruled, the last roll call showing a quorum present.

Senator Woodruff sent up the following amendment:

Amend Senate Bill No. 30 by reducing by 40% each stipulated charge for registration in any institution of higher learning set out in the bill except for non-resident students.

WOODRUFF.

Senator Stone moved to table the amendment.

The motion was lost by the following vote:

Yeas—11.

Blackert.	Poage.
Collie.	Regan.
Holbrook.	Sanderford.
Martin.	Stone.
Murphy.	Woodruff.
Oneal.	

Nays—11.

Beck.	Parr.
DeBerry.	Purl.
Duggan.	Redditt.
Hornsby.	Small.
Moore.	Woodul.
Pace.	

Absent.

Hopkins.	Rawlings.
Neal.	

Absent—Excused.

Cousins.	Patton.
Fellbaum.	Russek.
Greer.	Woodward.

Senator Duggan sent up the following amendment to the Woodruff amendment:

Amend Woodruff amendment to Senate Bill No. 30 by adding the following:

"Provided this law shall be effective at the beginning of September 1, 1934.

DUGGAN.

The amendment was adopted by the following vote:

Yeas—21.

Beck.	Blackert.
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DeBerry.	Parr.
Duggan.	Poage.
Holbrook.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Woodruff.
Pace.	

Nays—3.

Collie.	Woodul.
Stone.	

Absent—Excused.

Cousins.	Patton.
Fellbaum.	Russek.
Greer.	Woodward.
Hopkins.	

The question recurs on the amendment of Senator Woodruff.

Senator Stone moved to lay the bill and pending amendment on the table subject to call.

Senator Purl moved to table the motion to lay the bill and pending amendment on the table subject to call.

The motion to table was lost.

The question recurs on the motion to lay the bill and amendment on the table subject to call.

The motion prevailed by the following vote:

Yeas—18.

Beck.	Parr.
Collie.	Poage.
DeBerry.	Rawlings.
Holbrook.	Redditt.
Martin.	Regan.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodul.

Nays—5.

Duggan.	Purl.
Hornsby.	Woodruff.
Moore.	

Absent—Excused.

Blackert.	Hopkins.
Cousins.	Patton.
Fellbaum.	Russek.
Greer.	Woodward.

Motion to Adjourn.

Senator Collie moved to adjourn until 10 o'clock a. m., Monday.

The motion to adjourn was lost by the following vote:

Yeas—9.

Collie.	Regan.
Holbrook.	Sanderford.
Hopkins.	Stone.
Poage.	Woodul.
Redditt.	

Nays—12.

Beck.	Murphy.
DeBerry.	Pace.
Duggan.	Parr.
Hornsby.	Purl.
Martin.	Small.
Moore.	Woodruff.

Absent.

Neal.	Rawlings.
Oneal.	

Absent—Excused.

Blackert.	Patton.
Cousins.	Russek.
Fellbaum.	Woodward.
Greer.	

Senate Bill No. 31.

Senator Holbrook asked unanimous consent to take up Senate Bill No. 31 out of its regular order.

There being no objection, the following bill was placed before the Senate on second reading:

S. B. No. 31, A bill to be entitled "An Act amending House Bill No. 322, known as Chapter 196 of the General Laws of the Forty-third Legislature at its Regular Session, 1933, fixing the tuition to be collected from students registered in schools of collegiate rank supported in whole or in part by appropriation of public funds from the State Treasury; providing for tuition, local funds and fees to be retained and expended by such institutions and accounted for annually as provided in the General Appropriation Bill; providing a different schedule of fees from students of the Negro race registered in schools of collegiate rank which are supported in whole or in part by the appropriation of public funds from the State Treasury; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommend-

ing that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule, requiring bills to be read on three several days, was suspended, and Senate Bill No. 31 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Patton.
Blackert.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Nays—3.

Collie.	Murphy.
DeBerry.	

Present—Not Voting.

Oneal.

Absent—Excused.

Fellbaum.

Senate Bill No. 13.

Senator Purl called from the table the following bill:

S. B. No. 13, A bill to be entitled "An Act to amend Section 17 of Chapter 211 of the General Laws passed by the Forty-third Legislature at the Regular Session so as to provide that the counties affected thereby shall be granted reimbursement for High School tuition and transportation, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Purl, the constitutional rule, requiring bills to be read on three several days, was suspended, and Senate Bill No. 13 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Cousins.	Patton.
Fellbaum.	Russek.
Greer.	Woodward.

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Parr.
Blackert.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	

Present—Not Voting.

Collie. Oneal.

Absent—Excused.

Cousins. Patton.
Fellbaum. Russek.
Greer. Woodward.

Senate Bill No. 16.

The Chair placed before the Senate, on second reading the following bill:

By Senator Pace:

S. B. No. 16, A bill to be entitled "An Act to ratify, confirm and validate deliveries of road bonds heretofore made by counties wherein the counties have lawfully delivered bonds to the purchasers thereof and have thereafter permitted the exchange of said bonds for other bonds of the same issues then remaining unsold and held by said counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senator Pace moved to lay the bill on the table subject to call.

The motion prevailed.

On motion of Senator Pace, the Senate granted unanimous consent that Senate Bill No. 16 be printed.

Messages From the Governor.

Executive Department,

Austin, Texas, Feb. 16, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Senator Blackert and Representative Roberts I herewith submit for your consideration the bill hereto attached to be entitled

"An Act validating all bonds heretofore issued by the City of Aransas Pass for the purpose of constructing and maintaining seawalls, breakwaters and shore protections out into Red Fish Bay . . . and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 16, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Representative Kayton I herewith submit for your consideration the bill hereto attached to be entitled

"An Act to designate certain

short-wave radio stations as Bureaus of Criminal Intelligence, providing a license fee therefor, providing further the right to designate a Central Criminal Intelligence Bureau, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 16, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Senator Woodul I herewith submit for your consideration the attached bill to be entitled

"An Act to provide a more efficient system for the appointment of deputy district clerks serving in counties of more than 355,000 population, in which counties there are more than one district court, including criminal district courts, by providing that the clerk of the district court may appoint a deputy for each district court or criminal district court in his county when directed so to do by the Judge of any such court; fixing the salaries of such deputies, and providing a method for their payment; and declaring an emergency."

At the request of Senator Woodul I herewith submit for your consideration the attached bill to be entitled

"An Act to amend Article 6869 of the Revised Civil Statutes as amended by the Acts of the Forty-first Legislature, dealing with the appointment, authority, duties and qualifications of deputy sheriffs, limiting the number of such deputies in any county, and providing for the payment of their compensation, by adding a clause thereto excepting counties of over 355,000 population from the provisions of said Article 6869, as amended as aforesaid, in so far as the same relates to the number of deputies to be appointed by the Sheriff in said counties; and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 16, 1934.

To the Texas Senate:

I ask the advise, consent and con-

firmation by the Senate in the following appointments:

To be Members of the Pink Bollworm Commission:

Honorable John W. Young of San Angelo, Texas.

Honorable George B. Warren of Rio Hondo, Texas.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 15, 1934.

To the Forty-third Legislature in Second Called Session:

By request I am submitting herewith for your consideration a bill to be entitled

"An Act amending Articles 5740, 5742, 5744, and 5757 of the Revised Civil Statutes of Texas, 1925, relating to co-operative marketing associations, said articles being a portion of what is commonly known as the Co-operative Marketing Act of Texas; and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 15, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Representatives Stubbeman, Hankamer, and McGregor I submit herewith for your consideration a bill to be entitled

"An Act to make it unlawful to take, hunt, trap, shoot or kill any wild quail of any species, for a period of five (5) years in Midland County, Texas; fixing penalty, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 16, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Senator Beck and Representative Jasper N. Reed I am submitting herewith for your consideration a bill to be entitled

"An Act amending the subdivision (5) of Section 6 of Chapter 116, Acts of the Forty-third Legislature; and declaring an emergency."

By request of Representative Laird I am also submitting for your con-

sideration a question of licensing and regulating loan brokers, providing for a license fee, providing for the payment of said fee into the general revenue fund of the State Treasury . . . and declaring an emergency.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 15, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Honorable J. E. McDonald, Commissioner of Agriculture, I submit herewith for your consideration a bill to be entitled

"An Act providing that the State Department of Agriculture shall cooperate with and aid in the enforcement of any proclamation, trade or code agreement made by the President of the United States or passed under any act of Congress, relating to agriculture or agricultural products; and declaring an emergency."

At the request of Senator Albert Stone I am submitting herewith a bill to be entitled

"An Act amending House Bill No. 322 known as Chapter 196 of the General Laws of the Forty-third Legislature at its regular session, 1933, fixing the tuition to be collected from students registered in schools of collegiate rank supported in whole or in part by appropriations of public funds from the State Treasury . . . and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 16, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Representative Albert G. Walker I am submitting herewith for your consideration a bill to be entitled

"An Act to amend Article 7065-a 13(a) of Revised Civil Statutes of Texas, being Section 13 (a) of Chapter 44, page 75, of the General Laws of the Forty-third Legislature, so as to entitle all incorporated municipalities in Texas to a refund of motor fuel used in the operation of motor vehicles owned and operated for public purposes only by said incorporated municipalities."

At the request of Senator Parr I am submitting for your consideration a bill to be entitled

"An Act amending Sections 1 and 77 of Chapter 27 of the General and Especial Laws passed by the Forty-second Legislature at its Third Called Session, approved September 21, 1932."

At the request of Senator Joe Moore I am submitting herewith for your consideration a bill to be entitled

"An Act amending Article 2688, Title 49, Chapter 11 of the Revised Civil Statutes of Texas, 1925, as amended . . . and declaring an emergency."

At the request of Representatives Hankamer, Clayton, Moore, Morse, and Holland I am submitting for your consideration a bill to be entitled

"An Act amending Title 26 of the Revised Civil Statutes of Texas, 1925, providing for the creation of trust funds for maintenance of cemetery lots, and the appointment of trustees and substitute trustees therefor . . . and declaring an emergency."

At the request of Representatives McCullough and Dunagan I submit herewith for your consideration a bill to be entitled

"An Act making it a criminal offense for any person to move into the house of another, without the consent of the owner thereof or his duly authorized agent and fixing a penalty for the violation of this Act and declaring an emergency."

At the request of Representative M. S. Munson, Jr., I am submitting herewith for your consideration a bill to be entitled

"An Act to amend Chapter 105, Special Laws passed by the Thirty-third Legislature at its Regular Session, 1913, the same being a special road law for Jackson County, Texas . . . and declaring an emergency."

At the request of Representatives Bourne and Colson I am submitting herewith for your consideration a bill to be entitled

"An Act to amend Article 920 of the Code of Criminal Procedure for

the State of Texas for 1925 . . . and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 16, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Senator Parr, I am submitting herewith a bill to be entitled

"An Act to permit any county one or more of the boundaries of which is coincident with any part of the international boundary between the United States and Mexico, or any county contiguous to any county of such described class, by resolution of the county commissioners' court of any such county, to agree: (1) to indemnify and save harmless the United States of America, its officers, agents, and employees, on account of damage or claims to damage by whomsoever asserted, arising out of or connected with entry upon, occupancy, construction upon, or exercise of rights in and to lands or rights in lands situated in any one or more of said class of counties by the United States, its officers, agents and employees, in connection with construction, reconstruction, extension, alteration, improvement, maintenance and operation of flood control works . . ."

At the request of Senator Neal and other Senators, I am submitting herewith for your consideration a bill to be entitled

"An Act to regulate the conducting in public competition for prizes, awards, or admission fees, any personal, physical or mental endurance contests, regulating the manner in which contestants may participate in such contests; . . . and declaring an emergency."

At the request of Representative Morrison, I am submitting herewith for your consideration a bill to be entitled

"An Act amending Article 3832, Title 57, 1925 Revised Civil Statutes of the State of Texas, . . . and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Executive Department,
Austin, Texas, Jan. 30, 1934.
To the Texas State Senate:
I ask the advice, consent, and confirmation by the Senate of the attached list of notaries public.
Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

House Bill No. 31.

Senator Martin called from the table the following bill:

H. B. No. 31, A bill to be entitled "An Act amending Chapter 90, Acts of the First Called Session of the Forty-third Legislature, 1933, by adding to Section 1, thereof, a new subdivision defining the term 'Counterfeit Stamp,' as used in said Act; and further amending said chapter by amending Section 11, thereof, redefining the offense prohibited therein, and prescribing the penalty for a violation thereof; and further amending said chapter by adding new sections thereto; etc."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Martin, the constitutional rule, requiring bills to be read on three several days, was suspended, and House Bill No. 31 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Cousins.	Patton.
Fellbaum.	Russek.
Greer.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Cousins.	Patton.
Fellbaum.	Russek.
Greer.	Woodward.

Senate Bill No. 37.

Senator Parr moved to take up Senate Bill No. 37 out of its regular order.

The motion prevailed by the following vote:

Yeas—25.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Cousins.	Patton.
Fellbaum.	Russek.
Greer.	Woodward.

The following bill was then placed before the Senate on its second reading:

S. B. No. 37, A bill to be entitled "An Act to permit any county one or more of the boundaries of which is coincident with any part of the international boundary between the United States and Mexico, or any county contiguous to any county of such described class, by resolution of the County Commissioners' Court of any such county, to agree: (1) to indemnify and save harmless the United States of America, its officers,

agents and employees, on account of damage or claims to damage by whomsoever asserted, arising out of or connected with entry upon, occupancy, construction upon, or exercise of rights in and to lands or rights in lands situated in any one or more of said class of counties by the United States, its officers, agents and employees, in connection with construction, reconstruction, extension, alteration, improvement, maintenance and operation of flood control works; (2) to procure such releases and waivers of claim and to make such showing as to title being vested in any such county to lands and rights in lands situated in any county of said class needed for such flood control works as may be required by the United States; (3) to acquire and convey to the United States upon request therefor, the title to any such lands or rights therein, situated in any county of said class, necessary for such flood control works; and authorizing any such county and the officers thereof to do any and all things necessary to comply with and perform any such agreement so made with and to make conveyances to the United States; and validating any such agreement heretofore made by any such county; enacting provisions incident and necessary to the subject and purpose of this Act; repealing all laws or part of laws in conflict with the provisions of this Act; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule, requiring bills to be read on three several days, was suspended, and Senate Bill No. 37 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Murphy.
Blackert.	Neal.
Collie.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.

Sanderford.	Woodruff.
Small.	Woodul.
Stone.	

Absent—Excused.

Cousins.	Patton.
Fellbaum.	Russek.
Greer.	Woodward.

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Parr.
Blackert.	Poage.
Duggan.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Pace.	Woodul.

Nays—1.

DeBerry.

Present—Not Voting.

Collie.	Oneal.
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Absent—Excused.

Cousins.	Patton.
Fellbaum.	Russek.
Greer.	Woodward.

Senate Bill No. 12.

The Chair laid before the Senate on second reading the following bill:

By Senator Regan:

S. B. No. 12, A bill to be entitled "An Act to amend Article 3264, Revised Civil Statutes of 1925, by authorizing irrigation districts, water improvement districts and water power control districts to condemn land under the general condemnation statutes; amending Article 3268, Revised Civil Statutes of 1925 as amended by Chapter 37, General Laws, Fourth Called Session, Forty-first Legislature, by authorizing irrigation districts, water improvement districts and water power control districts to take possession of the property sought to be condemned pending litigation after the award of the commissioners without first depositing bond or sum of money; providing that if any portion of this Act be held unconstitutional same shall

not affect the remaining portions; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 12 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Cousins.	Patton.
Fellbaum.	Russek.
Greer.	Woodward.

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Parr.
Blackert.	Poage.
Duggan.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	

Nays—2.

Collie.	DeBerry.
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Absent—Excused.

Cousins.	Patton.
Fellbaum.	Russek.
Greer.	Woodward.

Bill Signed.

The Chair gave notice of signing,

and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 9.

Bill Re-referred.

H. B. No. 9, re-referred from the Committee on Civil Jurisprudence to the Committee on State Affairs.

Adjournment.

On motion of Senator Sanderford, the Senate, at 4:42 o'clock p. m., adjourned until Monday morning at 10 o'clock. a. m.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Feb. 15, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 11 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 9 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 18 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 15, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 62, A bill to be entitled "An Act validating refunding bonds issued by certain water improvement districts under authority of Acts 1933, Forty-third Legislature, page 171, Chapter 78, etc."

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass, and be not printed.

COUSINS, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 20, A bill to be entitled "An Act amending Articles 5740, 5742, 5744 and 5757 of the Revised Civil Statutes of Texas, 1925, relating to co-operative marketing associations, said Articles being a portion of what is commonly known as the Co-operative Marketing Act of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

DeBERRY, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

S. B. No. 8, A bill to be entitled "An Act to amend Article 2529 of the Revised Civil Statutes of 1925; as amended by the Acts of 1933, Forty-third Legislature, page 840, Chapter 240; as amended by Acts of 1933, Forty-third Legislature, page 854, Chapter 244; and as amended by Acts of 1933, Forty-third Legislature, First Called Session, page 215, Chapter 80, Section 1; providing qualifications for state depositories; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute do pass in lieu thereof and be not printed.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 6, A bill to be entitled "An Act to amend Articles 1111, 1112, 1113, and 1114, of the Revised

Civil Statutes of Texas for 1925, and amendments thereof as passed by the Fortieth Legislature, and as amended by Chapter 32, Acts of the Third Called Session of the Forty-second Legislature at page 96 and as amended by Chapter 122, of the Acts of the Regular Session of the Forty-third Legislature, at page 320; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute with amendment, do pass in lieu thereof.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 60, A bill to be entitled "An Act validating all elections, election orders, election proceedings and city ordinances annexing adjacent territory to, or extending and prescribing the corporate limits of, any incorporated city having a population of not less than three thousand (3,000) and not more than six thousand (6,000) inhabitants, as shown by the last preceding Federal Census, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COLLIE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 15, A bill to be entitled "An Act making an emergency appropriation out of that portion of the Special Racing Fund that has been or will be allocated to the Department of Agriculture, for the purpose of purchasing and erecting necessary machinery and conducting essential work necessary for preventing the further spread of the pink bollworm and in meeting the present emergency in connection with the recent findings of the pink bollworm in the counties of Bailey, Lamb, Cochran,

Hockley, Yoakum, Terry, Gaines, and Dawson, and by so doing to insure the continuance of interstate trade relations now enjoyed by Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 31, A bill to be entitled "An Act to authorize and empower any water control and improvement district in this State, to borrow money and receive grants or other aid from the Government of the United States or any lending agency thereof; providing for the levy of taxes on all taxable property within the limits of any such district sufficient to pay the principal of and interest on such bond of such district issued or sold to said Government, or any lending agency thereof, or all bonds of any such district pledged as collateral to secure payment of any loan made by said Government or agency thereof to any such district; providing that all or part of the maintenance fund of any such district may be irrevocably pledged as additional security for the payment of the principal of and interest on all such bonds issued or sold to such Government or agency thereof, or pledged as collateral to secure payment of any loan between said district and the Government, or any such agency, in addition to the authorized bond tax; . . . etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 64, A bill to be entitled "An Act providing that in all coun-

ties having a population in excess of three hundred and fifty thousand (350,000) inhabitants according to the last available Federal census, the County School Superintendent shall be appointed by the Board of County School Trustees and shall hold office for four (4) years, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 30, A bill to be entitled "An Act amending H. B. No. 322, known as Chapter 196 of the General Laws of the Forty-third Legislature at its Regular Session, 1933, fixing the tuition to be collected from students registered in schools of collegiate rank supported in whole or in part by appropriation of public funds from the State Treasury; providing for tuition, local funds and fees to be retained and expended by such institutions and accounted for annually as provided in the General Appropriation Bill; providing a different schedule of fees from students of the Negro race registered in schools of collegiate rank which are supported in whole or in part by appropriation of public funds from the State Treasury; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 59, A bill to be entitled "An Act providing that cities with a population of more than one hundred and sixty thousand (160,000) inhabitants according to the last pre-

ceding Federal Census may mortgage and encumber their airports and the income thereof, or either of them for the purpose of acquiring or improving the same; providing for manner of issuance of notes or warrants for such purposes, and providing that this law shall take precedence over conflicting charter provisions; repealing all laws in conflict herewith; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 38, A bill to be entitled "An Act to regulate the conducting in public competition for prizes, awards or admission fees, any personal, physical or mental endurance contests; regulating the manner in which contestants may participate in such contests; prescribing the penalties for violation of this Act; providing for certain exceptions to this Act; declaring that any house, structure, building, place or open air space that is being used for purposes in violation of the provisions of this Act is declared to be a nuisance; providing that any person who knowingly maintains or assists in maintaining of such place is guilty of maintaining a nuisance, authorizing the Attorney General or the district attorney or county attorney under certain circumstances to enjoin and abate such nuisance; prescribing the character of judgment that shall be entered against the continuance of such nuisance; providing certain conditions with reference to bonds to be furnished in such cases; repealing Chapter 204, page 337 of the Acts of the Forty-second Legislature, 1931; prescribing penalties for violation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BECK, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 37, A bill to be entitled "An Act to permit any county one or more of the boundaries of which is coincident with any part of the international boundary between the United States and Mexico, or any county contiguous to any county of such described class, by resolution of the county commissioners' court of any such county, to agree: (1) to indemnify and save harmless the United States of America, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 33, A bill to be entitled "An Act amending Sections 1 and 77 of Chapter 27 of the General and Special Laws passed by the Forty-second Legislature at its Third Called Session, approved September 21, 1932: Providing that navigation districts within this State, organized under the provisions of Section 59 of Article 16 of the Constitution, and under the provisions of Chapter 5 of the General Laws passed by the Thirty-ninth Legislature of the State of Texas at its Regular Session and Acts amendatory thereof, or created, organized, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COUSINS, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 27, A bill to be entitled "An Act empowering the board of education or board of trustees of certain independent school districts by resolution passed by the majority vote of the members of such board of education or board of trustees, beginning with 1933 delinquent taxes due, to such independent school districts, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 78, A bill to be entitled "An Act to validate the organization and creation of all school districts including common school districts, independent school districts, consolidated common school districts, county line school districts, consolidated county line school districts and rural high school districts, whether created by general or special law, or county boards of trustees and board of such districts, where such districts lie entirely within any county having a population of not less than 8596 and not more than 8610, according to the latest preceding census, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 26, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by cooperation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act with-

in the State of Texas with reference to producers, distributors and processors of milk and milk products; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DeBERRY, Chairman.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,
February 19, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
ONeal.	Woodward.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix)

Committee Reports.

(See Appendix)

Bills and Resolutions.

By Senators Blackert, Oneal, and Murphy:

S. B. No. 44, A bill to be entitled "An Act to amend Article 7065a-13(a) of Revised Civil Statutes of Texas, being Section 13(a) of Chap-